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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/348,425 07/07/99 KIST

T 6169-125

WM02/0104
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EXAMINER

AZAD, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

01/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/348,425

Applicant(s)

KIST ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Whelpley, Jr. (US 5,659,665).

As per claim 1, Whelpley teaches, "In a computer system adapted for speech recognition, a method for executing a voice command in the form of spoken utterance," comprising the steps of:

"receiving a user input corresponding to said spoken utterance" (Fig. 3, element 202)

"processing said user input to identify a pattern of words forming said spoken utterance which match a pre-determined command pattern" (col. 2, lines 17-26)

"identifying a computer system command corresponding to said predetermined command pattern, said computer system command having at least one parameter" (col. 2, lines 17-26)

"extracting said at least one parameter from a dictation portion of said voice command exclusive of said pattern of word pattern of words" (col. 8, lines 32-42)

"processing said computer system command to perform an event in accordance with said at least one command parameter" (col. 6, lines 44-59).

As per claim 2, Whelpley teaches, "wherein at least one word forming said dictation portion of said voice command is embedded within said pattern of words matching said command pattern" (col. 6, lines 44-59).

As per claim 3, Whelpley teaches, "wherein said step of identifying said computer system command is performed by using a translation rule" (col. 5, lines 48-58).

As per claim 4, Whelpley teaches, "wherein said dictation portion of said voice command is comprised of any set of words in a voice recognition engine vocabulary" (col. 6, lines 36-43).

As per claim 5, Whelpley teaches, "wherein said event includes inserting said dictation portion at a specified location defined by said computer system" (col. 6, lines 36-59).

As per claim 6, Whelpley teaches, "wherein a plurality of said pre-determined command patterns are provided" (col. 6, lines 36-59).

As per claim 7, Whelpley teaches, "wherein each of said plurality of command patterns belongs to at least one pre-determined command pattern set" (col. 6, lines 36-59).

As per claim 8, Whelpley teaches, "wherein a command pattern in any of said set can only be matched when said set is in an active state" (col. 5, lines 33-38).

As per claim 9, Whelpley teaches, wherein said set is placed in an active state when said computer system is in a pre-defined computer system operating state" (col. 3, lines 49 to col. 4, line 23).

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As per claims 11-19 and 21 have similar limitations as claim 1-9, so claims 11-19 and 21 are also rejected for same reasons.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whelpley, Jr. (US 5,659,665) as applied to claims 1 and 11 above, and further in view of Gould et al. (US 6,088,671).

As per claim 10 and 20, Whelpley does not teach, "providing recognized text to a software application if no pattern of words forming said spoken utterance matches said pre-determined command pattern." However, it has been taught by Gould (col. 1, line 43 to col. 2, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide recognition text to a software application because Gould teaches that his invention recognizing spoken commands within dictated text allows users to intermittently execute commands that effect the text with out requiring user to switch between separate command and dictation modes. (col. 2, lines 10-15).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Korzuch**, can be reached at **(703) 305-6137**.

Any response to this action should be mailed to:

Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 305-9508

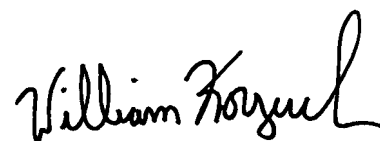
(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

January 2, 2001


WILLIAM R. KORZUCH
PRIMARY EXAMINER